

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

Plaintiff,

v.

**ORDER DENYING DEFENDANT ANGEL
NOEL GUEVARA'S JOINDER MOTION
TO DEFENDANT CRUZ-RAMIREZ'S
MEMORANDUM RE SENTENCING**

ANGEL NOEL GUEVARA, *et al.*

Defendants.

Defendant Angel Noel Guevara seeks to join in defendant Jonathan Cruz-Ramirez's memorandum in support of a downward departure in his sentence due to "imperfect entrapment" (Dkt. Nos. 5317, 5353). The joinder motion is **DENIED**.

First, the joinder motion is untimely. The joinder motion was filed after the government had already submitted its opposition to defendant Cruz-Ramirez's memorandum (Dkt. Nos. 5321, 5347). Counsel has been repeatedly warned that joinder motions must be filed three days before the government's response is due (*see, e.g.*, Dkt. No. 2074).

Second, the arguments contained within defendant Cruz-Ramirez's memorandum are fact-specific and the joinder motion does not provide sufficient facts with respect to defendant Guevara. The vague assertion that "[t]he arguments raised therein apply equally to Mr. Guevara, who also arrived in San Francisco in 2005 and was exposed to both Roberto Claros Acosta and Jaime Martinez at that time" fails to provide the necessary detail for the undersigned to determine if there is a basis for a downward departure due to "imperfect entrapment."

Dated: November 16, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE